

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO CARL PAYNES,

Plaintiff,

No. CIV S-04-1868 MCE KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed May 5, 2005, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief under 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: Runnels, Woodford, Tuttin, and Felker.

////

1 2. The Clerk of the Court shall send plaintiff four USM-285 forms, one
2 summons, an instruction sheet and a copy of the amended complaint filed May 23, 2005.

3 3. Within thirty days from the date of this order, plaintiff shall complete the
4 attached Notice of Submission of Documents and submit the following documents to the court:

5 a. The completed Notice of Submission of Documents;

6 b. One completed summons;

7 c. One completed USM-285 form for each defendant listed in number 1
8 above; and

9 d. Five copies of the endorsed amended complaint filed May 23, 2005.

10 4. Plaintiff need not attempt service on defendants and need not request waiver of
11 service. Upon receipt of the above-described documents, the court will direct the United States
12 Marshal to serve the above-named defendants as provided by Federal Rule of Civil Procedure 4
13 without payment of costs.

14 DATED: December 29, 2005.

15
16 
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21

22 2
payn1868.1amd
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO CARL PAYNES,

Plaintiff,

No. CIV S-04-1468 MCE KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

1 completed summons form

4 completed USM-285 forms

5 copies of the 5/23/05
Amended Complaint

DATED:

Plaintiff